



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 29 2016

REPLY TO THE ATTENTION OF

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Robert F. Casselberry  
Senior Counsel  
United States Steel Corporation  
600 Grant Street, Room 1500  
Pittsburgh, PA 15219

Re: United States Steel Corporation d/b/a Double Eagle Steel Coating Operations, Dearborn, Michigan, Consent Agreement and Final Order, Docket No. CERCLA-05-2016-0005

Dear Mr. Casselberry:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on April 29, 2016.

Please have your client pay the Comprehensive Environmental Response, Compensation and Liability Act civil penalty in the amount of \$13,548.15 in the manner prescribed in paragraph 27, and reference your check with the billing document number 2751630B005 and the docket number CERCLA-05-2016-0005.

Your client's payment is due on May 31, 2016.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Robert H. Smith, Associate Regional Counsel, at (312) 886-0765. Thank you for your assistance in resolving this matter.

Sincerely,

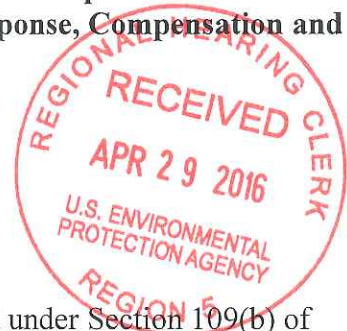
Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. CERCLA-05-2016-0005</b>
	)	
<b>United States Steel Corporation d/b/a</b>	)	<b>Proceeding to Assess a Civil Penalty Under</b>
<b>Double Eagle Steel Coating</b>	)	<b>Section 109(b) of the Comprehensive</b>
<b>Company</b>	)	<b>Environmental Response, Compensation and</b>
<b>Dearborn, Michigan,</b>	)	<b>Liability Act</b>
	)	
<b>Respondent.</b>		

**Consent Agreement and Final Order**  
**Preliminary Statement**



1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is United States Steel Corporation doing business as Double Eagle Steel Coating Company, a corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

### **Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

### **Statutory and Regulatory Background**

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), provides a mechanism to alert federal agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the government's response to an emergency and pose serious threats to human health and the environment.

11. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

### **Factual Allegations and Alleged Violations**

12. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

13. At all times relevant to this CAFO, Respondent was in charge of the facility located at 3000 Miller Road, Dearborn, Michigan (facility).

14. Respondent’s facility consists of a building, structure, installation, equipment, pipe or pipeline, storage container, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

15. Respondent’s facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

16. Resource Conservation and Recovery Act (RCRA) hazardous waste code D002 is a “hazardous substance” as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

17. RCRA hazardous waste code D002 has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

18. On July 15, 2015, at or about 3:45 p.m., a release occurred from Respondent’s facility of approximately 833.7 pounds of RCRA hazardous waste code D002 (the release).

19. In a 24 hour time period, the release of RCRA hazardous waste code D002 exceeded 100 pounds.

20. During the release, approximately 833.7 pounds of RCRA hazardous waste code D002 spilled, leaked, discharged, or escaped, into the land surface.

21. The release is a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

22. Respondent had knowledge of the release on July 15, 2015, at approximately 3:45 p.m.

23. Respondent notified the NRC of the release on July 17, 2015, at 4:03 p.m.

24. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

25. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

#### **Civil Penalty**

26. Complainant has determined that an appropriate civil penalty to settle this action is \$13,548.15 for the CERCLA violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violation, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violation and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy). The proposed penalty of \$18,064.20 from U.S. EPA's February 19, 2016 Notice of Intent to File Civil Administrative Complaint letter was reduced by 25% to \$13,548.15 based on Respondent's cooperation and quick settlement.

27. Within 30 days after the effective date of this CAFO, Respondent must pay a \$13,548.15 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

for checks sent by express mail by sending a cashier's or certified check, payable to "EPA  
Hazardous Substance Superfund," to:

U.S. Bank  
Government Lockbox 979076 U.S. EPA Superfund Payments  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: United States Steel Corporation d/b/a Double Eagle Steel  
Coating Company, the docket number of this CAFO and the billing document number

**2751630B005**

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28. A transmittal letter, stating Respondent's name, the case name, Respondent's  
complete address, the case docket number and the billing document number, if any, must  
accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

James Entzminger (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Robert H. Smith (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

29. This civil penalty is not deductible for federal tax purposes.

30. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

31. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

32. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

33. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

34. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

35. This CAFO does not affect Respondent's responsibility to comply with CERCLA, and other applicable federal, state and local laws and regulations.

36. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

37. The terms of this CAFO bind Respondent and its successors and assigns.


38. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

39. Each party agrees to bear its own costs and attorney's fees in this action.

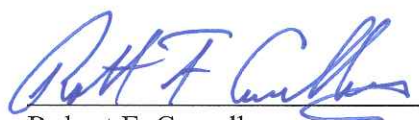
40. This CAFO constitutes the entire agreement between the parties.

**United States Steel Corporation d/b/a Double Eagle Steel Coating Company, Respondent**

1 Apr 16  
Date

  
James R. Gray  
Executive  
United States Steel Corporation

4/1/2016  
Date

  
Robert F. Casselberry  
Senior Counsel  
United States Steel Corporation



**U.S. Environmental Protection Agency, Complainant**

04/27/2016

Date

M. Cecilia Moore

M. Cecilia Moore, Chief  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5

4-28-16

Date

Richard C. Karl

Richard C. Karl, Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: United States Steel Corporation d/b/a Double Eagle Steel Coating  
Company, Dearborn, Michigan**  
Docket No. CERCLA-05-2016-0005

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

4/29/16  
Date

Robert A. Kaplan  
Robert A. Kaplan  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: United States Steel Corporation d/b/a Double Eagle Steel Coating  
Company, Dearborn, Michigan  
Docket No. CERCLA-05-2016-0005**

**Certificate of Service**

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on April 29, 2016 in the following manner to the addressees:

Copy by Certified Mail  
Return Receipt Requested:

Robert F. Casselberry  
Senior Counsel  
United States Steel Corporation  
600 Grant Street, Room 1500  
Pittsburgh, PA 15219

Copy by E-mail to  
Attorney for Complainant:

Robert H. Smith  
Smith.roberth@epa.gov

Copy by E-mail to  
Regional Judicial Officer:

Ann Coyle  
Coyle.ann@epa.gov

Dated: April 29, 2016



LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2640 7063

# SUPERFUND ACCOUNTS RECEIVABLE STANDARD CONTROL FORM

## PART I: TYPE OF RECEIVABLE

- ☐ ADMINISTRATIVE ORDER CONSENT (AOC)  
☐ CONSENT DECREE (CD)  
☐ OVERSIGHT BILL  
☐ SUPERFUND STATE CONTRACT (SSC)  
☐ STIPULATED PENALTIES

- ☐ UNILATERAL ADMINISTRATIVE ORDER (UAO)  
☐ 107(a) DEMAND LETTER  
☐ BANKRUPTCY PROOF OF CLAIM  
☒ OTHER: CONSENT AGREEMENT AND FINAL ORDER  
 SPLIT WITH OTHER STATUTES ☐ YES ☐ NO

NON-FEDERAL RECEIVABLE:  
TIN NUMBER: \_\_\_\_\_

FEDERAL RECEIVABLE:  
TAS NUMBER: \_\_\_\_\_

## PART II: FUNDING INFORMATION

- ☐ TRUST FUND (HSCR68)  
☐ SPECIAL ACCOUNT - PAST COSTS (TR2B)  
☐ SPECIAL ACCOUNT - FUTURE COSTS (TR2)  
☐ NON FEDERAL- SSC (TR1)  
☒ SUPERFUND FINES & PENALTIES (HSFP68)

- ☐ TRUST FUND (HSCR68)  
☐ SPECIAL ACCOUNT- PAST COSTS-FEDERAL (TR2B)  
☐ SPECIAL ACCOUNT-FUTURE COSTS- FEDERAL (TR2A)  
☐ SUPERFUND FINES & PENALTIES- FEDERAL (HSFP68)

## PART III: DEBTOR INFORMATION

DEBTOR NAME  
 ADDRESS  
 ADDRESS (CONT'D)  
 CITY  
 STATE  
 ZIP

Robert F. Casselberry  
600 Grant Street, Room 1500  
Pittsburgh  
PA  
15219

## PART IV: ACCOUNT INFORMATION

ASSIGNED BILL NUMBER (if applicable)  
 TREASURY ACCOUNT SYMBOL (if applicable)  
 REF. DOCKET NO.  
 BILLING EFFECTIVE DATE  
 BILLING PERIOD  
 DUE IN (date or # of days)  
 AMOUNT DUE

2751630B005  
CERCLA 05 2016 0005  
30 DAYS  
May 31, 2016  
\$13,548.00

## PART V: ACCOUNTING STRING

BBFY	FUND	ORG	PRC	SITE/PROJECT	AMOUNT
2016	HSFP68	05F		05ZZAC00	\$13,548.00

## PART VI: REGIONAL POINTS OF CONTACTS

CREATED BY LA DAWN WHITEHEAD  
 COUNSEL CONTACT Robert H. Smith  
 FINANCE CONTACT LA DAWN WHITEHEAD  
 PROGRAM CONTACT James Entzminger

PHONE NO. 312-886-3713  
 PHONE NO. 312-886-0765  
 PHONE NO. 312-886-3713  
 PHONE NO. 312-886-4062

## PART VII: SPECIAL INSTRUCTIONS/NOTES (interest amount, installment schedule, bankruptcy info, etc.)

EMAIL THIS FORM WITH THE CAFO TO WEIDNER.LORI@EPA.GOV (LORI WEIDNER)

## PART VIII: COMPLETE CERTIFIED MAIL TRACKING NUMBER

7011 1150 0000 2640 7063